

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

ERIN BULFIN,

Plaintiff,

vs.

BECKY RAINWATER, et al.,

Defendants.

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Case No. 4:20 CV 689 JMB

**MEMORANDUM AND ORDER**

This matter is before the Court for examination pursuant to Rule 4(m), Fed.R.Civ.P.

On May 26, 2020, plaintiff filed this action under 42 U.S.C. § 1983, alleging that defendants unlawfully euthanized her dog in violation of her rights as secured by the Fourth and Fourteenth Amendments to the United States Constitution. The Court file does not contain proof of service upon, or waiver of service by, defendant Philip Wagenknecht. Under Rule 4(m), if a defendant is not served within 90 days after the complaint is filed, the Court must dismiss the action without prejudice or order that service be made within a specified time. The Rule 4(m) period for service has expired and plaintiff has not sought an extension of the period.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff shall cause service to be effected upon defendant Philip Wagenknecht and file proof of service not later than **September 24, 2020**. In the absence of good cause shown, failure to timely file proof of service will result in dismissal of plaintiff's claims against defendant Philip Wagenknecht without prejudice.

/s/ John M. Bodenhausen

JOHN M. BODENHAUSEN

UNITED STATES MAGISTRATE JUDGE

Dated this 3rd day of September, 2020.